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EXAMINER

TRAN, TRANG U

ART UNIT PAPER NUMBER

2622

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,329

Applicant(s)

KRIEGMAN, MITCHELL

Examiner

Trang U. Tran

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Dec. 7, 2005 has been entered.

Response to Arguments

2. Applicant's arguments filed Oct. 24, 2005 have been fully considered but they are not persuasive.

In re pages 8-9, applicant argues that either Tzidon or Mellow standing alone of the invention set forth in amended claims 14 and 15 and there certainly is no suggesting in either reference that any teaching could be combined to result in applicant's invention because Tzidon makes no mention of using head shots and master shots to provide cinematographic realism and nor does Tzidon address the problem of puppeteer congestion or the solution to that problem by shooting two different puppets on the same set at different times or two different puppets on identical sets at the same time and combining these images and Mellow shows nothing more than a fixed outline applied to a flat board with movable features such as arms or legs and, in Mellow, there is no mention of virtual sets, virtual backgrounds, shooting head shots and master shots and combining them for cinematographic realism or shooting different characters at

different images on the same set or different characters at the same time on identical sets and combining the images to avoid puppeteer congestion.

In response, the examiner respectfully disagrees. Applicant cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). It is noted that claims 14-15 have been amended to include the new limitations "each of said two action images of said puppet character being taken at the same time from a different camera angle, one image being a close-up shot and one image being a master shot and each of said two action images of said two different puppet characters being taken at different times on the same virtual production set or at the same time on two separate but identical virtual production sets". As recognized by applicant, Tzidon uses multiple cameras in order to create a virtual shadow that allegedly allows high quality integration of foreground and background images. The user in Tzidon can operate the cameras to achieve the claimed desirable result of "each of said two action images of said puppet character being taken at the same time from a different camera angle, one image being a close-up shot and one image being a master shot and each of said two action images of said two different puppet characters being taken at different times on the same virtual production set or at the same time on two separate but identical virtual production sets" because the user in Tzidon can operate the cameras in any desirable manner. Thus, the proposed combination of Tzidon and Mellow does disclose all the claimed limitations of claims 14-15.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tzidon et al (US Patent No. 5,737,031) in view of Mellow (US Patent No. 3,691,676) as set forth in the previous Office Action.

In considering claim 14, Tzidon et al discloses all the claimed subject matter, note 1) the claimed a virtual production set, including a key-colored background screen, a stage and at least one action puppet character manipulated by puppeteers on said virtual production set is met by the virtual set database and the keyer foreground of Fig. 2 (col. 3, line 30 to col. 4, line16), 2) the claimed at least two (2) cameras, each of said cameras being positioned relative an action puppet character to record, in real-time, at least two action images of said puppet character on said virtual production set, each of said two action images of said puppet character being taken at the same time from a different camera angle, one image being a close-up shot and one image being a master shot and each of said two action images of said two different puppet characters being taken at different times on the same virtual production set or at the same time on two separate but identical virtual production sets is met by the three cameras 120 positioned in a triangle pointing to the center of the stage to capture the contour of the foreground object 102 from three different directions (Figs. 6 and 7, col. 5, lines 1-44), 3) the

claimed means for simultaneously compositing of each of said composite images in a multiple composite image is met by the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44), 4) the claimed wherein said composite images are integrated by separate compositing modules, so that each composite image appears within an allocated portion of a given image frame, and each allocated portion of said the image frame is adjusted relative to one another to create depth and/or perspective of one composite image relative to the other is met by the keyer talent contour position 1-3 and the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44), and 5) the claimed wherein each allocated portion of said the image frame is adjusted relative to one another to create interaction and/or complimentary action of one puppet character from one composite image with another puppet character from another composite image with a given image frame is met by the keyer talent contour position 1-3 and the 3-D talent image in virtual set (Figs. 6 and 7, col. 5, lines 1-44).

However, Tzidon et al explicitly does not discloses 1) the claimed means for simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate; and 2) the claimed at least one action puppet character manipulated by puppeteers on said virtual production set, said action puppet character being positioned on a support structure, said support structure being arranged to provide a desired vertical location on said key-colored background screen for said action puppet character and including the use of diffused lighting in said support structure to eliminate shadows on said virtual production set.

1) the capability for simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate into Tzidon et al's system in order to increase the visualization of the video signal by combining the foreground with the virtual or background image.

2) Mellow teaches that in operation, the operator positions himself at the upper end of the board and a camera, projector or the like is pointed generally in a perpendicular direction towards character 20, thereafter, the operator manipulates the various character features defined by the first and second animation means to animate movements of the character, **to prevent distracting shadows and to simulate the true cartoon, it is preferred to paint all parts deep black** and to define the character's outline and animated features by white lines or vice versa, adequate lighting is of course necessary, with reverse polarity photography, the outline color actually seen can be reversed from that on puppet 12 (Figs. 1-3, col. 4, line 52 to col. 7, line 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the puppet character manipulated by puppeteers as taught by Mellow into Tzidon et al's system in order to provide an animated puppet which is relatively easy to operate and which can be employed for making animated cartoons without distractive restrictions in the movement of the character, undesirable

character changes due to structural weaknesses of the puppet (col. 1, lines 50-55 of Mellow).

Claim 15 is rejected for the same reason as discussed in claim 14 above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
March 31, 2006



Trang U. Tran
Examiner
Art Unit 2622